672 bility of women is mentioned in describing the penalties for adultery and theft.

562 681 The penalties for offences against the king were undoubtedly more severe than those imposed for the same offences against a commoner. Ngonga says that the punishments for crimes against a chief or medicine-man were, and are now, the same as the penalties for offences against any other person. It seems, however, that if the chief were a very powerful man, he could claim penalties which would have been appropriate for offences against a king.

685 A thief was punished by beating, in addition to which he would have to pay a fine to the people from whom he had stolen, but he rarely escaped without the beating. The thief would be beaten just as much for stealing one animal as he would for stealing many. If a woman stole from her neighbor's garden, those who caught her would tie her and take her to her husband, who would pay compensation and then beat her. A child caught stealing would be taken to the maternal uncle or to his own father. If a woman stole from relations she would probably have no punishment other than a beating. Her husband would have to compensate the relations. Stealing honey from hives is an offence that is punished according to the general laws relating to theft.

696 If a man was sentenced to a death penalty, or to a beating, there was an official appointed by the king or by the chief to see the sentence carried out. This representative was called *ukuenje welombe* which means "the servant, or minister, of the court."

682 Ngonga described the penalty for murder saying, "It was a terrible thing they did to the murderer. A tight triangle of wood was fastened on to his neck by a peg and to this a cord was attached so that he was suspended to the roof with his feet barely touching the ground. In some instances his head was placed through a hole in the door of his house while his body was inside the hut. He had very little food or water and people threw things at him. He was kept tied up for a month to see whether he could pay something. Suppose he could not pay, and nobody would pay for him, he was taken outside the village where his head was cut off. If he had many possessions, he said on the first day, 'If you will take this thing off my neck I will pay two oxen and two slaves.' The payment would be made, not to the wife or children of the murdered man, but to the brother of the mother of the murdered man, or to the mother of the murdered man, or to the son of a sister of the victim. If the murderer agreed to make the payment the people kept him tied up until the

Pg. 203

fines were in their hands. If he murdered one of the royal family he was killed after he had paid the fine." The punishment of a woman who has committed a murder is the same as that for a man. 682 [562]

Ombulungu is the name given to trial by poison ordeal. The medicine-man holds out both his hands, in each of which there is a potato, only one of which is poisoned. The accused man says, "If I have done this thing, this potato will be poison for me. If I have not done this thing, this potato will be food for me." The complainant says, "If this is not the man who poisoned my brother, this potato will be poison for me." They sit in front of the medicine-man, and each must take the potato in the hand opposite to him. The poison makes a man very sick. His mouth swells so that he cannot speak. 695

When a woman was accused of murder her son or her brother would take her place in the poison ordeal. A boy of fifteen years of age would have the same treatment as a man. "I don't think a girl would kill anybody. I never heard about it," said Ngonga. It appears that resort was made to a medicine-man when the accused was thought to have committed murder by poison or magic. If the murderer used weapons, the accuser, who was usually a relative, was entitled to kill him with the kind of weapon used for the crime. [562]

The penalties for adultery were the same as those for murder. The woman appears to have escaped punishment, except that "her husband would not have her any more." The male adulterer had to pay the husband; if he could not pay or escape, the husband had the right to kill him. In the old days the price for adultery was two oxen, a pig, and a slave. At the present day a man who has committed adultery and made payment, possibly takes the woman and all children under three years of age. The husband has the right to decide whether the adulterer has the privilege of taking the woman and her children. An adulterer with one of the king's wives was castrated but not killed. He might, instead of mutilation, pay a very high price, while he himself along with his sisters and the sons of his sisters, would become slaves of the king. If a man could not pay, he might be sold as a slave in order to provide money for the fine. Criminal law did not distinguish between responsibility for intentional and unintentional offences. 684 [567] [671]

It is very difficult to say how much of the old law survives. One feels that underneath the ostensible Portuguese rule there is an active native life that is resisting subjugation. 681 177

Only two years ago Ngonga paid an ox to prevent one of his female relatives from being pawned. Within the past ten years Ngonga has 686

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13

(Plate XLV, Fig. 2). The house of bows for holding sacred relics will be described in connection with religion (Plate XLVI, Fig. 1).

In former days there used to be a hard mud floor for dancing, centrally placed in the village.

In the center of the village is the communal house where all men, and boys over four years of age, gather to eat their food, which is sent by the women. This *onjango* is the place of assembly for discussion of village affairs. A house of this kind at Bailundu is circular in form with a diameter of seventeen feet (Plate XLVIII, Fig. 1). In the middle of the *onjango* are stones forming a fireplace. In another such house there were jawbones of oxen. These were suspended from the walls as tokens of the payment of fines. There is no communal house for females. In some villages there is a common kraal for cattle.

The king's compound usually contains:

(1) The king's house, which invariably has a separate sleeping room.

(2) A house and kitchen for each of his wives.

(3) A tomb for the burial of kings and their wives.

(4) The house of bows for staffs, bows, mats, and tobacco-pipes of dead chiefs.

(5) A house of meditation for the king (Plate LXXXIX, Fig. 1).

(6) Pens for pigs and chickens.

The guest houses (Plate XLVIII, Fig. 2) that I have seen were not in the king's compound. Granaries, which are conspicuous in every village, have been mentioned in connection with food supply (Plate XLIV, Fig. 1). Each house has its own granary. I have noticed garbage pits containing corn husks and refuse from sweet potatoes, but there is as a rule no organized scheme for disposing of refuse; dogs and pigs are the scavengers. There is no particular place for defecation; people use the bush.

Every man has a knowledge of house-building. Women do not actually build, but, along with the children, they pour water into the clay pit and carry clay to the men who are plastering the walls. Ngonga says, "People would be surprised to see a woman building a house. They would call her a he-woman." Men help one another in house-building by giving reciprocal service for which there is a gift of food and beer.

A deep rectangular clay pit is made as close to the house as possible, and the children thoroughly enjoy puddling the clay with their

3: Hambly E-5 (1929-1930) 1934 FP13 Mbundu FP13

Nevertheless, the idea of crime is well developed, and there are many actions which are punishable because they contravene the laws of the tribe. Adultery is a crime on a par with theft; but adultery is not a sin. Suku, the supreme being, issues no commands. Ancestral spirits are concerned only with sacrifice and homage to themselves. There is no theory of punishment or reward in a future life according to conduct on earth.

Perhaps *ekandu* is the only word which could express sin. An Ocimbundu would say that murder is the chief *ekandu*. "*Ekandu* is to make anything have a bad time." To send a stranger along the wrong path is *ekandu*. It would be *ekandu* to throw an animal on the fire. It is *ekandu* if a man is guilty of fornication with his wife's sister. Such an act is said to be *ekandu* only if the wife's sister is visiting the house of the culprit. The male defaulter is regarded as blameless, but the people of the village from which the wife's sister came would be expected to pay the wronged wife. Sexual offences against young children are very serious. In fact the death penalty or banishment would be inflicted, and such offences are given by the Ovimbundu as examples of *ekandu*.

This subject of moral responsibility leads naturally into the question of laws and penalties. There are among the Ovimbundu well-defined moral codes and clearly formulated tribal laws which have been described in chapter VI.

FUNERAL RITES

COMMONERS

In the village of Cilema in the district of Elende I witnessed the funeral rites of a boy aged twelve years. When a few hundred yards from the village, I heard sounds of drumming coming from a secluded place in the tall grass. On reaching the clearing four drummers were seen, each of whom held a tubular drum between his legs; these drums were of different lengths. The man on the left of the drumming squad played with an up and down movement of his left hand only, to provide the bass tone. Other drummers played with the palms and fingers of both hands. Thirty feet from the drummers stood a group of women who always started the rhythm for the drums by clapping their hands, and the hand-clapping continued as an accompaniment for the drums.

Near-by, men were seated on the ground, while a large number of women walked about or sat on the ground chatting and smoking their pipes. The general impression was not one of solemnity.

6:Edwards E-5 (1955-1956)1962
FP13 Mbundu FP13

622 that the administration gets labour and money from the vil-
648 lagers, and largely though not exclusively through them that the
637 villagers keep in touch with the post which politically integrates them into Angola and legally provides sanctions which they do not possess. The government headmen do not supervise on behalf of the post the daily life of their fellow-villagers. The government laws—such as the prohibition of beer- and rum-brewing and grass-burning (for hunts)—which if enforced would bring about a certain number of changes in Umbundu social life, are not enforced for many reasons—the administration makes no real attempt to suppress these uses as opposed to
[681] levying annual fines[15] per head, the government headmen go in for these customs themselves, and they lack the power to achieve this enforcement. Were the government to introduce policies involving some reorganization of the social life they would need a stronger form of local authority. Under the present circumstances, however, the powers and status of the chief and government headmen are quite consistent with the demands made on them by the post.

622 There were four government headmen in Gumba in 1955–6, Guilherme, Lupassa, Tjilombo (who became chief after the deposition of Lusase), and Walivanga. Guilherme was in 1955 living in Epalanga. Some people thought he should live in Kamupa which had been founded by his mother's brother Lusase—however, when he left Epalanga in 1956 he settled near the Protestant village of Kalungwengwe. His change of resi-
[578] dence had been the result of violent quarrels with Paulo and other Epalanga people. Lupassa lived in Katembo, and was a sister's son of Kaluywa, who was the traditional headman. I do not think Lupassa was the dominating personality in Katembo. Tjilombo was on the other hand the leading personality in Tjisangu, many of its people being related to him. Walivanga was similarly linked by kin or affinal ties to the majority of the people of Belem.

The foregoing paragraph raises the question of the relationship of the government headman to the traditional headmen. A man who is both a government headman and a traditional headman is in a fairly strong position in his village; when the

[15] Each fine is about 10–20 escudos (2/6d.–5/-).

to the post. Somebody said to me 'Lusase wants a fine to be paid so that he can get something from it' (the chief traditionally having a right to commission on a fine paid in a dispute which he had settled). Eventually the dispute did not go to the post, as Kapapelo paid a fine, and the matter dropped.

A great deal of detail has been given here, but it can be shown that consistencies can be extracted from what seems complete confusion.

Kapapelo had, no doubt, as was said, under the influence of drink, decided to carry on his conflict with Sapapula after the gathering at Justino's and had arrived at Sapapula's threatening to commit suicide. The threat of suicide was here used as Guilherme had used it to put an opponent in a difficult position, but it infuriated Sapapula, who decided that he must try and get another hearing. He therefore turned again to Justino, although the latter had previously decided against him; thus implying that even a possibly unfavourable judge is acceptable, rather than let a squabble continue indefinitely.

Eventually, owing to Justino's refusal to hear the case, what I have called a 'moot' was got together, a body which lacked any deciding, dominating figure, but represented the local community. This became concerned with the question of the relation of Kapapelo and Sapapula as affected by the action of Kapapelo in respect of Sapapula's wife Nahoka. As has been mentioned in the chapter on marriage, the relation between a man and his wife's lover is one of mystically manifested hostility. Sapapula by accusing Kapapelo of desiring to seduce his wife was indicating a very serious state of hostility between the two men; and one can only explain Kapapelo's confession to something of which he was not guilty as a mark of his hostility to Sapapula. Kapapelo was accused by Sapapula of attempting to do him a grievous wrong, and Kapapelo claimed that he had in fact done this wrong. Nahoka denied that she had wronged her husband, and produced evidence of her assertion. Before considering her arguments, it must be noted what were the interests of the other people involved in the case.

It might be suggested that Kafelo, Lusase, and Ngombe had to some extent the function of judges or at least arbitrators, and Sapapula had indeed invited Ngombe to give his opinion (I